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VIENNA VA 22182-3817
In re Application of
Nakayama
Application No. 09766,651
Filed: January 23, 2001
Attorney Docket Number: FF-0114US

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OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition, filed June 18, 2007 which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of August 1, 2006, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before November 1, 2006.

Petitioner states that a timely reply was submitted on October 31, 2006 which included the following papers: request for reconsideration and submission of verified English translation of priority document. Petitioner has provided a copy of the request for reconsideration. The petition is also accompanied by a stamped postcard receipt dated October 31, 2006. The postcard receipt serves as *prima facie* evidence of timely receipt of a reply.

Review of the file record shows the originally submitted reply sent and received in the Office on October 31, 2006 has been located.

Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of August 1, 2006 is hereby withdrawn and the application restored to pending status.

This application is being referred to art unit 2621 for appropriate action in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

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Office of Petitions